

Senate Study Bill 1098

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the clerk of the district court by changing
2 the method of appointment and removal, by permitting a clerk
3 to serve in more than one county, and by eliminating certain
4 residency requirements.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1208DP 80
7 jm/sh/8

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1 1 Section 1. Section 602.1215, subsection 1, Code 2003, is
1 2 amended to read as follows:
1 3 1. The ~~district judges~~ chief judge of each judicial
1 4 ~~election~~ district shall ~~by majority vote~~ appoint persons to
1 5 serve as clerks of the district court, ~~one for each county~~
~~1 6 within the judicial election district within the judicial~~
~~1 7 district. There shall not be more than one clerk of the~~
~~1 8 district court for each county in the district. However, the~~
~~1 9 chief judge may appoint a person to serve as clerk of the~~
~~1 10 district court for more than one county. A person does not~~
1 11 qualify for appointment to the office of clerk of the district
1 12 court unless the person is at the time of application a
1 13 resident of the state. ~~Within three months of appointment the~~
~~1 14 clerk of the district court must establish residence and~~
~~1 15 physically reside in the county. A clerk of the district~~
1 16 court may be removed from office for cause by ~~a majority vote~~
~~1 17 of the district judges~~ the chief judge of the judicial
1 18 ~~election~~ district. Before removal, the clerk of the district
1 19 court shall be notified of the cause for removal.

EXPLANATION

1 20
1 21 This bill relates to the clerk of the district court by
1 22 changing the method of appointment and removal, by permitting
1 23 a clerk to serve in more than one county, and by eliminating
1 24 certain residency requirements.
1 25 The bill changes the method by which the clerk of the
1 26 district court is appointed. The bill permits the chief judge
1 27 of each judicial district to appoint the clerk of the district
1 28 court and remove the clerk for cause. The clerk under current
1 29 law is appointed by a majority vote of all the district court
1 30 judges in the judicial election district, and removed by
1 31 majority vote.
1 32 The bill eliminates the requirement that a clerk of the
1 33 district court be appointed for each county in the judicial
1 34 election district. The bill provides that a clerk of the
1 35 district court may serve as clerk of court in more than one
2 1 county. The bill also eliminates the requirement that the
2 2 clerk of the district court establish residence and physically
2 3 reside in the county where the clerk is employed within three
2 4 months of appointment. However, the bill retains the
2 5 provision that a person does not qualify for appointment to
2 6 the clerk of the district court position unless the person is
2 7 at the time of the application a resident of the state.
2 8 LSB 1208DP 80
2 9 jm/sh/8